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**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of
Kenichiro Sakai, et al.
Application No. 09/612,288
Filed: July 7, 2000
For: **DOCUMENT IMAGE CORRECTING
DEVICE AND A CORRECTING**

This is a decision on the Petition to Withdraw the Holding of Abandonment filed August 11, 2005, pursuant to 37 C.F.R. §1.181. No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the final Office action mailed March 31, 2004. A Notice of Abandonment was mailed July 26, 2005.

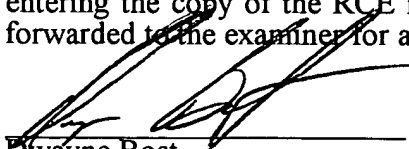
Petitioner asserts that response was timely filed. In support of the petition, Petitioner has submitted, a copy of the request for RCE transmittal which contains a certificate of mailing dated August 2, 2004 and a date-stamped post card receipt which itemizes a Request for Continued Examination (via Certificate of Mail) and a "check" in the amount of \$770.00. The date stamped on the post card receipt is August 4, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." The date stamped on the post card receipt of August 4, 2004 is subsequent to the due date for response to the outstanding Office action, including the one month extension of time paid for. However, the copy of the RCE transmittal letter includes a certificate of mailing certifying deposit on August 2, 2004 in accordance with 37 CFR 1.8(a). The due date for response to the final Office action was July 31, 2004 including the one month extension of time. July 31, 2004 fell on a Saturday and therefore, the response was due by the next business day or Monday; August 2, 2004.

Therefore, in accordance with 37 C.F.R. §1.8, the copy of the response is accepted as having been timely filed. Furthermore, a review of the PTO Revenue Accounting and Management (RAM) system finds that the RCE filing fee was received on August 4, 2004 and processed on August 5, 2004. Accordingly, it is concluded that the Request for Continued Examination was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the RCE request submitted with the petition. From there, the file will be forwarded to the examiner for appropriate action in due course.


Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications